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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,236	03/30/2001	Hai Chi Nguy	Q01-1025-US1/11198.64	6324

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,236

Applicant(s)

NGUY, HAI CHI

Examiner

David D. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10,16-24,26 and 29-50 is/are pending in the application.
- 4a) Of the above claim(s) 16-24, 26 and 31-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,29,30 and 48-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 20050421.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 16-24, 26 and 31-47 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 10, 2003.
2. Applicant's election with traverse of Group II in the reply filed on November 10, 2003 is acknowledged. The traversal is on the ground(s) that some claims need to be grouped with other claims. This is not found persuasive because the reasons set forth in the previous office action show that the groupings are independent and distinct. In other words, the groupings are related as combination, subcombination or combinations useable together.

The requirement is still deemed proper and is therefore made FINAL.

3. This application contains claims drawn to an invention nonelected with traverse in Paper No. 8, received November 10, 2003. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 29-30 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin, November 1990 (hereinafter: IBM) in view of Nakazawa et al (JP 10-69763). IBM shows a drive housing for a disk drive 2 having a storage disk having a storage surface. IBM also shows a housing shield 1 positioned near the storage disk. The housing shield is sized, shaped and formed from material so that the housing shield has an attenuation of field of at least approximately 50 dB because IBM states that the attenuation is 30 db or greater.

IBM, however, is silent as to the drive housing including a shield.

Nakazawa et al shows in figure 1 the drive housing including a shield that is equally spaced in a direction that is substantially perpendicular to the storage surface of the storage disk, as well as the direction parallel to the storage surface. Nakazawa et al also shows in figure 1 the drive housing including a base and a cover that are positioned substantially parallel to the storage surface. The storage disk would be positioned substantially between the base and the cover, as shown in figure 1.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to include in the housing of IBM a shield as taught by Nakazawa. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide housing a shield so as to enable "effective isolation of flux inside and outside of case, due to use of case and cover consisting of electromagnetic shielding". See Derwent Abstract of Nakazawa.

***Response to Arguments***

6. Applicant's arguments filed June 30, 2003 have been fully considered but they are not persuasive. In the first full paragraph on page 12, applicant asserts, "IBM does not teach or suggest a disk drive that includes a drive housing and a storage disk that is rotatably mounted to the drive housing." It should be noted that the rejection *supra* is not an anticipation rejection over IBM but an obviousness rejection over IBM as modified by Nakazawa. Therefore, the assertion that IBM alone does not teach or suggest the claimed invention is not germane to the rejection *supra*. It also should be noted, contrary to applicant suggestion, the IBM reference is analogous art and relevant to the claimed invention.

Applicant also asserts, in the second paragraph on page 12, that "IBM only discloses obtaining a certain level of attenuation as a result of the dimensions of the enclosure, not the materials used." The claimed invention does not require attenuation by materials used, nor does it preclude attenuation by dimensions. Applicant continues to assert in the second paragraph on page 12 that "IBM teaches an attenuation of field in the vertical direction of 10-15 dB, and in the horizontal direction of > 30 dB based on the space provided by the enclosure relative to the peripheral device." Applicant is not incorrect in the characterization of IBM. However, as stated *supra*, the rejection is over IBM as modified by Nakazawa. Nakazawa does not show any substantial spacing. In fact, the entire housing is made from shielding. Therefore, since there is no spacing it would follow that the attenuation in *all* directions, utilizing the attenuation arrangement of IBM in the housing arrangement of Nakazawa as outlined *supra*, would be much

greater than  $> 30$  dB. As a result, contrary to applicant piecemeal assertions, IBM as modified by Nakazawa renders the claimed invention obvious.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

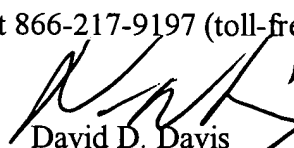
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David D. Davis  
Primary Examiner  
Art Unit 2652

ddd